

### **REMARKS**

Claims 1-15 are currently pending in the present application. Claims 1-11 were previously allowed. Claims 12-15 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **NEW CLAIMS**

New Claim 12 is a new independent claim which Applicant believes is allowable because the cited references fail to teach or suggest a radio communication device comprising a first notifying means for notifying an incoming call by generating a ringer melody, which includes a plurality of melodic lines; and a second notifying means for notifying the incoming call, wherein the second notifying means determines sound periods and silent periods based on a signal generated by one of the plurality of melodic lines of the ringer melody and is driven in the sound periods. Claims 13-15 are dependent claims which depend from Claim 12.

### **CITED PRIOR ART JP-U-57646**

Applicant has reviewed the prosecution history of the above identified patent application, and we have identified that Applicant cited JP-U-2-57646 in an Information Disclosure Statement mailed March 8, 2004. On April 22, 2004, the Examiner indicated on page 2 of his Office Action that JP-U-2-57646 failed to comply with 37 CFR 1.98(a)(3) because the Examiner did not feel that a concise explanation of the relevance of this document was included.

In addition to JP-U-2-57646, an English translation of a February 3, 2004 Japanese Office Action in the corresponding Japanese application was provided to the Examiner in the Information Disclosure Statement mailed March 8, 2004. In the translation of the Japanese Office Action, an explanation for the reasons for rejection using JP-U-2-57646 was provided. Applicant believes that this translation meets the requirements for the concise explanation and that Applicant is entitled to consideration of the JP-U-2-57646 reference.

Thus, Applicant respectfully requests the Examiner to consider this reference based on the English translation of the Japanese Office Action and provide Applicant with an indication that it has been considered.

**CONCLUSION**

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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